

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(ALEXANDRIA DIVISION)

ELIDA RIVAS &
DELIA GUTIERREZ

Plaintiffs,

v.

SALDIVAR & ASSOCIATES, INC.,
et al.,

Defendants

Case No: 1:16-CV-343-LMB-JFA

Declaration of Nicholas Marritz, Esq.

1. My name is Nicholas Cooper Marritz (VSB No. 89795). I am over 18 years of age and competent to make this declaration.
2. I am a staff attorney with the Immigrant Advocacy Program at the Legal Aid Justice Center (LAJC). I am a 2011 graduate of the University of Washington School of Law. I have been admitted to practice law in California since June 2012 and in Virginia since January 2016 (when I was also admitted to practice before this Court).
3. As a staff attorney with LAJC, a large part of my docket consists of plaintiff-side litigation under the Fair Labor Standards Act, in both state and federal court.
4. I am fluent in both English and Spanish and communicate with Plaintiffs exclusively in Spanish.
5. Prior to joining LAJC, I served as a staff attorney with Farmworker Justice in Washington, D.C., representing low-wage immigrant farmworkers in federal courts across the country, including in the following cases involving the Fair Labor Standards Act:
 - *Villalobos v. Calandri Sonrise Farms LP*, 2:12-cv-2615 (C.D. Cal.)
 - *Smith v. Bulls-Hit Ranch & Farm*, 3:12-cv-449 (M.D. Fla.)

- *Jimenez v. GLK Foods, LLC*, 1:12-cv-209 (E.D. Wis.) and *Ramirez v. GLK Foods, LLC*, 1:12-cv-210 (E.D. Wis.)
 - *Ruiz v. Fernandez*, 2:11-cv-3088 (E.D. Wash.) (not counsel of record)
6. I am counsel of record in one other FLSA case currently pending before the Eastern District of Virginia: *Claros v. Sweet Home Improvements, Inc.*, No. 1:16-CV-343-AJT-MSN.
7. I am seeking a rate of \$320 per hour for my time in this case. Judge Ellis and Magistrate Judge Nachmanoff have both approved the same rate for me in other recent FLSA cases before this court. *See Avila Flores v. Rababeh*, No. 1:15-CV-1415-TSE-TCB (July 13, 2016, Dkt. Nos. 30 and 32); *Claros v. Sweet Home Improvements, Inc.*, No. 1:16-CV-343-AJT-MSN (August 8, 2016, Dkt. No. 33).
8. According to my time records, which I entered contemporaneously into our case-management software, JusticeServer, I spent over 70 hours on this case. In the exercise of billing discretion, I then eliminated various time entries, including and all time entries related to planning case strategy and supervision with my co-counsel Simon Sandoval-Moshenberg. I have also eliminated or reduced various other time entries in this case.
9. After making a good-faith evaluation of all recorded hours of work performed in relation to the discovery disputes in this case, the chart accompanying this declaration lists only those time entries that I believe to have been fair and reasonably necessary.
10. My compensable time thus comes to 49.2 hours, or **\$15,744**.
11. Plaintiffs have incurred **\$1,266.07** in compensable costs:
- \$400 for the civil filing fee. (ECF No. 1-2).
 - \$780 for service of process via private process server, as Defendants failed to waive service.¹ The invoices accompany this declaration.

¹ See Fed. R. Civ. P. 4(d)(2).

- \$86.07 in postage.²

12. I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

By:

Nicholas Cooper Marritz (VSB No. 89795)

LEGAL AID JUSTICE CENTER

6066 Leesburg Pike, Suite 520

Falls Church, VA 22041

Tel: (703) 778-3450 x 607

Fax: (703) 778-3454

nicholas@justice4all.org

Counsel for Plaintiff

Date: September 1, 2016

² Courts in this District have allowed prevailing FLSA plaintiffs to recoup their reasonable costs of postage. See, e.g., *Kennedy v. A Touch of Patience Shared Hous., Inc.*, 779 F. Supp. 2d 516, 526 (E.D. Va. 2011); *Alvarez v. ReadyClean Indus. Servs., Inc.*, No. 1:14-cv-490-GBL, 2015 WL 5793605, at *4 (E.D. Va. Sept. 29, 2015).

Adjusted Time Entries of Nicholas Marritz

Rivas & Gutierrez v. Saldivar & Assoc's, Inc. et al. (E.D. Va.)

(Adjusted for billing discretion)

Date	Activity	Time
12/18/2015	Initial meeting with clients	2
2/12/2016	Calculating damages	2.8
2/26/2016	Legal research	1.2
2/29/2016	Legal research	0.2
3/2/2016	Phone calls with clients	0.1
3/3/2016	Researching defendants	0.8
3/3/2016	Follow-up intake with Gutierrez	2.4
3/5/2016	Phone call with Gutierrez	0.3
3/7/2016	Follow-up interview with Rivas	1.2
3/9/2016	Legal research	0.4
3/9/2016	Drafting complaint	0.8
3/11/2016	Drafting complaint	2.6
3/12/2016	Drafting complaint	1
3/13/2016	Researching Defendants	0.6
3/21/2016	Phone call with Rivas	0.2
3/21/2016	Phone call with Rivas's husband	0.1
3/22/2016	Follow-up meeting with plaintiffs	2.3
3/22/2016	Meeting with Rivas's husband	0.5
3/23/2016	Revising complaint	1
3/24/2016	Drafting complaint	1.8

3/25/2016	Drafting complaint	3.5
3/28/2016	Finalizing complaint	0.2
3/28/2016	Emailing Gutierrez	0.2
3/28/2016	Phone call with Gutierrez	0.1
4/1/2016	Phone call with Gutierrez	0.2
4/5/2016	Letter to clients	0.2
4/11/2016	Calculating damages	1.2
4/12/2016	Legal research	0.8
4/13/2016	Calculating damages	0.9
5/9/2016	Preparing summonses	0.3
6/8/2016	Phone call with Gutierrez	0.3
6/16/2016	Drafting request for entry of default	0.3
6/16/2016	Drafting attorney declaration	0.3
6/24/2016	Calculating damages	1.3
6/30/2016	Legal research	2.4
7/6/2016	Drafting plaintiff declarations	2.5
7/6/2016	Drafting motion for default judgment	2.2
7/7/2016	Drafting motion for default judgment	2.5
7/7/2016	Drafting Gutierrez declaration	1
7/7/2016	Reviewing declaration with Gutierrez	0.8
7/7/2016	Revising Gutierrez declaration	0.3
7/8/2016	Drafting Rivas declaration	0.5
7/8/2016	Reviewing declaration with Rivas	0.8
7/11/2016	Drafting praecipe	0.3
7/11/2016	Meeting with Gutierrez	0.1

7/13/2016	Legal research	0.3
7/18/2016	Phone call with Gutierrez	0.3
8/2/2016	Drafting second Praeclipe	0.5
8/5/2016	Travel to/from hearing	1
8/5/2016	Default-judgment hearing	0.5
8/9/2016	Phone call with Rivas	0.2
8/9/2016	Phone call with Gutierrez	0.2
8/31/2016	Preparing attorney's fees and costs petition	0.7